

Introduced by Senator Karnette

February 16, 2001

An act to amend Section 653k of the Penal Code, relating to switchblade knives.

LEGISLATIVE COUNSEL'S DIGEST

SB 274, as introduced, Karnette. Switchblade knives.

Existing law provides that possession or transfer, as specified, of a switchblade knife, as defined, is a misdemeanor. Existing law also provides that the definition of "switchblade knife" does not include a knife that is designed to open with one hand utilizing thumb pressure applied solely to the blade of the knife or a thumb stud attached to the blade.

This bill would recast those provisions so that the definition of "switchblade knife" would not include a knife that opens with one hand utilizing thumb pressure applied solely to the blade of the knife or a thumb stud attached to the blade, provided that the knife has a detent or other mechanism that provides resistance that must be overcome in opening the blade, or that biases the blade back toward its closed position.

By changing the definition of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 653k of the Penal Code is amended to
2 read:

3 653k. Every person who possesses in the passenger's or
4 driver's area of any motor vehicle in any public place or place open
5 to the public, carries upon his or her person, and every person who
6 sells, offers for sale, exposes for sale, loans, transfers, or gives to
7 any other person a switchblade knife having a blade two or more
8 inches in length is guilty of a misdemeanor.

9 For the purposes of this section, "switchblade knife" means a
10 knife having the appearance of a pocketknife and includes a
11 spring-blade knife, snap-blade knife, gravity knife or any other
12 similar type knife, the blade or blades of which are two or more
13 inches ~~long~~ *in length* and which can be released automatically by
14 a flick of a button, pressure on the handle, flip of the wrist or other
15 mechanical device, or is released by the weight of the blade or by
16 any type of mechanism whatsoever. "Switchblade knife" does not
17 include a knife that ~~is designed to open~~ *opens* with one hand
18 utilizing thumb pressure applied solely to the blade of the knife or
19 a thumb stud attached to the blade, *provided that the knife has a*
20 *detent or other mechanism that provides resistance that must be*
21 *overcome in opening the blade, or that biases the blade back*
22 *toward its closed position.*

23 For purposes of this section, "passenger's or driver's area"
24 means that part of a motor vehicle which is designed to carry the
25 driver and passengers, including any interior compartment or
26 space therein.

27 SEC. 2. No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 the only costs that may be incurred by a local agency or school
30 district will be incurred because this act creates a new crime or
31 infraction, eliminates a crime or infraction, or changes the penalty
32 for a crime or infraction, within the meaning of Section 17556 of
33 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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